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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,125	06/26/2003	Jennifer L. Woodruff	47320.0049	1124

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EXAMINER

CHEN, TIANJIE

ART UNIT PAPER NUMBER

2652

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,125

Applicant(s)

WOODRUFF ET AL.

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20031201</u> . | 6) <input type="checkbox"/> Other: ____ |

Non-Final Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dimitri (US 5,818,723).

Claim 1, Dimitri shows a magazine-based data cartridge library in Figs. 1, 3, 6, and 7 including: a frame 126; a shelf system 22s, operatively attached to the frame, for supporting at least two data cartridge magazines 30s and including at least one shelf, a drive at 56 (Column 4, lines 18-19) that is operatively attached to the frame; a cartridge transport device 54 (Column 4, lines 17-20), operatively attached to the frame for moving a data cartridge 34 between a data cartridge magazine and the drive; a magazine transport device 110 (Column 5, lines 28-29), operatively attached to the frame, for moving a data cartridge magazine within a space defined by the frame; a transport space that defines a volume within the space defined by the frame within which the data cartridge magazine transport operates; wherein the transport space is bounded by a first transport space vertical plane (the leftmost plane in Fig. 7) and a second transport space vertical plane (the rightmost plane in Fig. 6) that is substantially parallel to the first transport space vertical plane; wherein the transport space has a transport space depth that is the distance between the first and second transport space vertical planes as measured along a line that is perpendicular to the

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first and second transport space vertical planes; and a magazine space that defines a volume within the space defined by the frame within which a data cartridge magazine resides when operationally oriented with respect to the shelf system such that the magazine transport device is able to displace the data cartridge magazine relative to the shelf system and operationally located so as to not otherwise interfere with movement of the magazine transport device; wherein the magazine space is bounded by a first magazine space vertical plane (the leftmost plane of 152s in Fig. 6) and a second magazine space vertical plane (the rightmost plane of 152s in Fig. 6) that is substantially parallel to the first magazine space vertical plane; wherein the magazine space has a magazine space depth that is the distance between the first and second magazine space vertical planes as measured along a line that is perpendicular to the first and second magazine space vertical planes; wherein the transport space first and second vertical planes and the magazine space first and second vertical planes are substantially parallel to one another; Fig. 6 shows that the transport space depth is greater than the magazine space depth and less than twice the magazine space depth.

Claim 2, Dimitri further shows that the magazine transport device includes: a magazine picker 70 for displacing a data cartridge magazine towards and away from the shelf; and an elevator 118 and etc. for moving the magazine picker within the transport space.

Claim 3, Dimitri further shows that the cartridge transport device includes the elevator.

Claim 4, Dimitri further shows that the first and second transport space vertical planes and the first and second magazine space vertical planes are each planar.

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Claim 8, Dimitri further shows that the transport space and the magazine space overlap.

Claims 9 and 10, Dimitri further shows in Fig. 6 that the transport space depth is less than about 150%/130% of the magazine space depth.

Claim 11, Dimitri further shows the magazine space depth is equal, which is within about +/- 20% of the depth of the drive, as measure between a front face and a back face of the drive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri in view of Kleinschnitz (US 5,479,581).

Claims 5-7, Dimitri shows a magazine-based data cartridge library as described above, but does not show that the first and second transport space vertical planes are concentric, and the first transport space vertical plane is substantially reduced to a vertical line; and the second transport space vertical plane follows an arc with a radius that extends from the vertical line.

Kleinschnitz shows a magazine-based data cartridge library wherein the first and second transport space vertical planes defined by the trajectory of the rotating transport device 132 (Fig. 1; column 4, line 51) are concentric, and the first transport space vertical plane is substantially reduced to a vertical line; and the second

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transport space vertical plane follows an arc with a radius that extends from the vertical line. Kleinschnitz also teaches that the carousel configuration is advantageous because it provides relatively rapid access (Column 5, lines 41-43) and the carousel configuration and other configuration is substitutable (Column 5, lines 36-40). It would have been obvious at the time the invention was made to one of ordinary skill in the art to reconfigure the system into carousel system for providing rapid access.

Claim 6, in such constructed device, the first and second magazine space vertical planes are the top plane of the top magazine 104 and the bottom plane of the bottom magazine 104, which are planar.

Conclusion


The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TIANJIE CHEN
PRIMARY EXAMINER